

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:08-CR-00055-F-1

UNITED STATES OF AMERICA

v.

JASON LAMON KELLY,
Defendant.

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ORDER

This matter is before the court on Jason Lamon Kelly's Motion to Correct/Amend Presentence Report [DE-151]. In his motion, Kelly requests that the Probation Office remove the three-level enhancement he received pursuant to U.S.S.G. § 3B1.1(b) and decrease his drug quantity by 14 kilograms. Once these amendments are made, Kelly requests that an amended Presentence Report be issued the Bureau of Prisons.


Because it appears Kelly is attacking the validity of his sentence, the appropriate avenue to bring this challenge is by way of a § 2255 motion¹. To the extent that Kelly seeks to file a § 2255 motion, he must file it on the appropriate form. The Clerk of Court hereby is DIRECTED to send a copy of the appropriate § 2255 form to Kelly. If Kelly elects to pursue a § 2255 motion, he shall have twenty-eight days within which to file his motion on the appropriate § 2255 form provided by the Clerk. Kelly should send the original of the § 2255 form to the following address:

¹Title 28 Section 2255 states four grounds upon which such relief may be claimed: (1) that the sentence was imposed in violation of the Constitution or laws of the United States; (2) that the court was without jurisdiction to impose such sentence; (3) that the sentence was in excess of the maximum authorized by law; or (4) that the sentence is otherwise subject to collateral attack. 28 U.S.C. § 2255(a).

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

SO ORDERED.

This 3rd day of October 2014.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE